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36 UNITED STATES DISTRICT COURT  
37 FOR THE NORTHERN DISTRICT OF CALIFORNIA

38 IN RE WAL-MART STORES, INC.  
39 WAGE AND HOUR LITIGATION

40 CASE NO. C 06-02069 SBA

41 CLASS ACTION

42 ~~[PROPOSED] ORDER FURTHER  
43 MODIFYING THE "AMENDED ORDER  
44 FOR PRETRIAL PREPARATION"~~  
45 DATED 06/26/07

46 This Document Relates To:

47 Case Nos.:  
48 C 06-02069 SBA (Smith) and  
49 C 06-05411 SBA (Ballard)

Based upon the stipulation of the parties and for good cause shown, the Court's Amended Order for Pretrial Preparation, Dated June 26, 2007, is amended in the following respects only:

Section A – “DISCOVERY CUT-OFF” is amended to read as follows:

All discovery, except for expert discovery, shall be completed and all depositions taken on or before May 7, 2008 with the exception that all fact depositions previously scheduled prior to the Court's Order of May 8, 2008 shall be completed by June 30, 2008. Notwithstanding the foregoing, Plaintiffs are entitled to request additional depositions to the extent new information has come to their attention as a result of recent document productions, and Defendants are entitled to seek the Court's permission for discovery of opt-out parties to which the Plaintiffs are entitled to object.

Section B – “**EXPERT DESIGNATION AND DISCOVERY**” is amended to read as follows:

Plaintiff shall designate any experts by March 25, 2008; defendant by March 25, 2008; rebuttal disclosure by April 25, 2008. Any expert not so named may be disallowed as a witness. No expert will be permitted to testify to any opinion, or basis or support for an opinion, that has not been disclosed in response to an appropriate question or interrogatory from the opposing party. Expert discovery shall be completed by June 30, 2008.

All other matters addressed in the Court's June 26, 2007 Order shall remain unchanged.

## IT IS SO ORDERED

Dated: 5/19/08

Sandra B. Armstrong  
SANDRA BROWN ARMSTRONG  
United States District Judge

## 1 DECLARATION OF SERVICE

2 I, Sandra Kowalski, declare as follows:

3 I am employed in the County of Los Angeles, State of California; I am over the age of  
4 eighteen years and am not a party to this action; my business address is 333 South Grand Avenue,  
5 Los Angeles, California 90071, in said County and State. On May 15, 2008, I served the within:

### 6 [PROPOSED] ORDER FURTHER MODIFYING THE "AMENDED ORDER FOR 7 PRETRIAL PREPARATION" DATED 6/26/07

8 to all interested parties as follows:



10 **BY ECF (ELECTRONIC CASE FILING):** I e-filed the above-detailed documents utilizing the  
11 United States District Court, Northern District of California's mandated ECF (Electronic Case Filing) service  
12 on May 15, 2008. Counsel of record are required by the Court to be registered e-filers, and as such are  
13 automatically e-served with a copy of the documents upon confirmation of e-filing.



15 **BY U.S. MAIL:** I placed a true copy in a sealed envelope addressed to the below-named parties, on the  
16 above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for  
17 mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I  
18 am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage  
19 meter date is more than one day after date of deposit for mailing in affidavit.

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23 I certify under penalty of perjury that the foregoing is true and correct, that the foregoing  
24 document(s) were printed on recycled paper, and that this Declaration of Service was executed by me  
25 on May 15, 2008, at Los Angeles, California.

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27 \_\_\_\_\_  
28 \_\_\_\_\_  
\_\_\_\_\_  
/s:/ Sandra Kowalski  
Sandra Kowalski